

CITY COUNCIL PROCEEDINGS

January 4, 2005

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, January 4, 2005
Tuesday, 9:07 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Lambke, Martz, Schlapp; present.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Reverend Rick Cline, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the December 21, 2004 Meeting were approved 7 to 0.

AWARDS AND PROCLAMATIONS:

Special Recognition	Mayor Mayans recognized LaTricia Harper for her work at the City of Wichita and congratulated her on the position she has accepted in Scottsdale, Arizona.
Service Citations	Mayor Mayans recognized and presented plaques to Wayne Bolen and LaDonna Dozier for their service with the City of Wichita.

CONSENT AGENDA

Motion--carried	Mayans moved that the Consent Agenda be approved as consensus Items. Motion carried 7 to 0.
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BOARD OF BIDS	<u>REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JANUARY 3, 2005.</u>
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Bids were opened December 17, 2004, pursuant to advertisements published on:

VARIOUS DEPARTMENTS/DIVISIONS: Background Investigations.

American Databank - \$9,750.00* (Group 1 base bid)

*Estimate – Contract approved on unit cost basis; refer to attachment.

POLICE DEPARTMENT/SECURITY DIVISION: Bullet Resistant Windows & Installation.

Hoppers Glass Inc. - \$43,227.00 (Group 1 total net bid)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Heating/Air Conditioning
Replace – Century II.

The Waldinger Corp. - \$41,239.00 (Group 1 total net bid)

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HOUSING DEPARTMENT/HOUSING SERVICES DIVISION: Herman Miller Workstations (RQ402401)

John A. Marshall Co. - \$39,015.18 (State of Kansas Contract Number: 30880)*

*Purchases utilizing Government Entities Contracts, Cooperative Contracts and Agreements/Ordinance No. 38-122 Section 2.64.020 (j)

FINANCE DEPARTMENT-IT/IS DEPARTMENT: E-Justice Replacement Servers (RQ402705)

Dell Marketing LP - \$43,654.25 (WSCA Contract Pricing 92-00151, Contract Number: 01530)*

*Purchases utilizing Government Entities Contracts, Cooperative Contracts and Agreements/Ordinance No. 38-122 Section 2.64.020 (j).

Motion--
--carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
Jay A. Johnson	Johnson's General Stores, Inc. #06	1003 South Seneca
Jay A. Johnson	Johnson's General Stores, Inc. #39	5400 North Meridian
<u>New Operator</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
Navid Haeri	Jump Start dba H&S Parss Enterprise	3805 West 21st Street
<u>New Establishment</u>	<u>2005</u>	<u>(Consumption on Premises)</u>
Vanessa M. Pham	To Chan Restaurant Oriental Cuisine*	4875 East Pawnee

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--
--carried

Mayans moved that the licenses subject to Staff review and approval be approved. Motion carried 7 to 0.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) Lateral 158 War Industries Sewer to serve Shadow Ridge Addition - south of Pawnee, east of Hillside. (468-83557/744063/480751) Does not affect existing traffic. (District III) - \$19,000
- b) Water Distribution System to serve Shadow Ridge Addition - south of Pawnee, east of Hillside. (448-89760/735198/470868) Does not affect existing traffic. (District III) - \$37,000
- c) Sunnybrook Court from the north line of Sunnybrook to and including the cul-de-sac to serve Shadow Ridge Addition - south of Pawnee, east of Hillside. (472-83674/765880/490991) Does not affect existing traffic. (District III) - \$74,000
- d) Lateral 6, Main 26 War Industries Sewer to serve Regency Lakes Commercial Secibd Addition (north of 21st Street North, west of Greenwich) (468-83895/744094/480782) Does not affect existing traffic. (District II) - \$81,000
- e) Water Distribution System to serve Regency Lakes Commercial Secibd Addition - north of 21st Street North, west of Greenwich. (448-90006/735225/470895) Does not affect existing traffic. (District II) - \$129,000

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f) Lateral 144, Main 4, Sanitary Sewer #23 to serve Walnut Grove Addition - south of 37th Street North, west of Broadway. (468-83846/744096/480784) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$60,000

g) 13th Street North, Phase 2: from 119th Street West to Cedar Park - 13th Street North, from 119th Street West to Cedar Park. (472-83851_Ph2/715697/244113) 13th Street North will be closed to thru traffic from Cedar Park to 119th Street West. (District V) - \$179,981

h) Northwind from the east line of Northshore Boulevard as platted in Ridge Port Addition, north and east to the east line of the plat to serve Ridge Port Addition - east of Ridge, north of 29th Street North. (472-83773/765889/490002) Does not affect existing traffic. (District V) - \$40,800

Motion--carried

Mayans moved that the Preliminary Estimates be approved. Motion carried 7 to 0.

COST STATMNTS

STATEMENTS OF COST:

Finance Department

a) (Partial) improving Gilbert & Mosley. Total cost to date - \$16,440,000.00 (less financing previously issued - \$12,300,000). Financing to be issued at this time - \$4,140,000. (792343/435-324)

Public Works

a) Improving Boardwalk, between Douglas and First Street in East Wichita Addition (north of Douglas, east of Broadway). Total Cost - \$53,156.24 (less idle fund interest - \$917.77, plus temporary note interest - \$3,760.53). Financing to be issued at this time - \$55,999.00. (765641/472-83250/490-752).

b) Improving Wawona to serve The Collective Addition (south of 21st Street North, east of K-96). Total Cost - \$120,222.62 (plus idle fund interest - \$548.26, plus temporary note interest - \$1,179.12). Financing to be issued at this time - \$121,950.00. (765834/472-83455/490-945).

c) Improving Peckham, Peckham Court and sidewalk on one side of Peckham to serve Hawthorne Addition (north of 21st Street North, east of 127th Street East). Total Cost - \$243,707.42 (plus idle fund interest - \$940.30, temporary note interest - \$5,418.28). Financing to be issued at this time - \$250,066.00. (765776/472-83637/490-887).

d) Improving Camden Chase from 127th Street East to Peckham to serve Hawthorne Addition (north of 21st Street North, east of 127th Street East). Total Cost - \$111,470.12 (plus idle fund interest - \$472.92, plus temporary note interest - \$1,944.96). Financing to be issued at this time - \$113,888.00. (765777/472-83647/490-888).

e) Constructing Lateral 101, Sanitary Sewer No. 23 to serve Harbor Isle 3rd Addition (south of 53rd Street North, east of Meridian). Total Cost - \$485,949.31 (plus idle fund interest - \$2,938.48, plus temporary note interest - \$4,026.21). Financing to be issued at this time - \$492,914.00. (744037/468-83106/480-725).

f) Constructing Main 19, Southwest Interceptor Sewer to serve an area north of 29th Street North, between Tyler and Hoover. Total Cost - \$4,720,806.37 (plus idle fund interest - \$15,059.97, plus temporary note interest - \$71,901.66). Financing to be issued at this time - \$4,807,768.00. (743990/468-83186/480-678).

g) Constructing Main 13, Four Mile Creek Sewer (Phase 2) to serve Hawthorne 2nd Addition (north of 37th Street North, east of 127th Street East). Total Cost - \$55,432.38 (plus idle fund interest - \$325.48, plus temporary note interest - \$733.14). Financing to be issued at this time - \$56,491.00. (744011/468-83506/480-699).

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- h) Constructing Lateral 2, Main 13, Four Mile Creek Sewer to serve Hawthorne 2nd Addition (north of 21st Street North, east of 127th Street East). Total Cost - \$73,654.06 (plus idle fund interest - \$368.30, plus temporary note interest - \$989.64). Financing to be issued at this time - \$75,012.00. (744012/468-83508/480-700).
- i) Constructing Lateral 3, Main 13, Four Mile Creek Sewer to serve Hawthorne 2nd Addition (north of 21st Street North, east of 127th Street East). Total Cost - \$88,990.46 (plus idle fund interest - \$460.42, plus temporary note interest - \$1,197.12). Financing to be issued at this time - \$90,648.00. (744013/468-83509/480-701).
- j) Constructing Lateral 6, Main 19, Southwest Interceptor Sewer to serve Ridgeport North 5th Addition (south of 37th Street North, east of Ridge). Total Cost - \$219,387.21 (plus idle fund interest - \$1,214.92, plus temporary note interest - \$1,917.87). Financing to be issued at this time - \$222,520.00. (744044/468-83524/480-732).
- k) Constructing Lateral 5, Main 5, Northwest Interceptor Sewer to serve Copper Gate Estates Addition (south of 13th, west of 135th Street West). Total Cost - \$115,208.84 (plus idle fund interest - \$511.54, plus temporary note interest - \$1,156.62). Financing to be issued at this time - \$116,877.00. (744047/468-83533/480-735).
- l) Constructing Lateral 33, Cowskin Interceptor Sewer to serve Southern Ridge Addition (south of Pawnee, west of Maize). Total Cost - \$27,564.57 (plus idle fund interest - \$196.43, plus temporary note interest - \$210.00). Financing to be issued at this time - \$27,971.00. (744048/468-83549/480-736).
- m) Constructing Lateral 3, Main 14, Four Mile Creek Sewer to serve Reed's Cove Addition (south of 21st Street North, east of 127th Street East). Total Cost - \$47,912.35 (plus idle fund interest - \$283.90, plus temporary note interest - \$348.75). Financing to be issued at this time - \$48,545.00. (744054/468-83568/480-742).
- n) Constructing Lateral 343, Four Mile Creek Sewer to serve Sierra Hills and Equestrian Estates Additions (east of 127th Street East, north of Pawnee). Total Cost - \$414,637.77 (plus idle fund interest - \$2,264.75, plus temporary note interest - \$7,648.48). Financing to be issued at this time - \$424,551.00. (743977/468-83583/480-665).
- o) Constructing Lateral 1, Main 5, Cowskin Interceptor Sewer to serve Harvest Ridge Addition (west of Maize, south of 31st Street South). Total Cost - \$154,999.39 (plus idle fund interest - \$1,063.45, temporary note interest - \$1,259.16). Financing to be issued at this time - \$157,322.00. (744026/468-83659/480-714).
- p) Constructing Lateral 83, Main 22, War Industries Sewer to serve Brighton Courts Addition (south of 21st North, west of Webb). Total Cost - \$71,397.24 (plus idle fund interest - \$573.53, temporary note interest - \$958.23). Financing to be issued at this time - \$72,929.00. (744014/468-83672/480-702).
- q) Constructing Lateral 9, Main 19, Southwest Interceptor Sewer to serve Avalon Park Addition (north of 37th Street North, east of Tyler). Total Cost - \$101,018.42 (plus idle fund interest - \$526.58, plus temporary note interest - \$735.00). Financing to be issued at this time - \$102,280.00. (744066/468-83689/480-754).
- r) Constructing Lateral 358, Four Mile Creek Sewer serving Crestview Country Club Estates Overbrook 5th Addition (east of 143rd Street East, south of 13th). Total Cost - \$63,180.55 (plus idle fund interest - \$332.54, plus temporary note interest - \$587.91). Financing to be issued at this time - \$64,101.00. (744043/468-83709/480-731).
- s) Constructing Lateral 94, Main 1, Southwest Interceptor Sewer to serve Rivendale Addition (north of 55th Street South, west of Hydraulic). Total Cost - \$319,636.57 (plus idle fund interest - \$1,029.22, plus temporary note interest - \$4,293.21). Financing to be issued at this time - \$324,959.00. (744022/468-83714/480-710).

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- t) Constructing Lateral 13, Main 19, Southwest Interceptor Sewer to serve Tyler's Landing & Tyler's Landing 2nd Additions (south of 37th Street North, east of Tyler). Total Cost - \$232,586.38 (plus idle fund interest - \$1,296.84, plus temporary note interest - \$2,186.78). Financing to be issued at this time - \$236,070.00. (744033/468-83725/480-721).
- u) Constructing Lateral 14, Main 19, Southwest Interceptor Sewer to serve Tyler's Landing Addition (south of 37th Street North, east of Tyler). Total Cost - \$547,614.25 (plus idle fund interest - \$3,040.29, plus temporary note interest - \$4,472.46). Financing to be issued at this time - \$555,127.00. (744034/468-83726/480-722).
- v) Constructing Storm Water Sewer #593 to serve Brighton Courts Addition (south of 21st Street North, west of Webb). Total Cost - \$394,235.04 (plus idle fund interest - \$1,242.82 plus temporary note interest - \$5,104.14). Financing to be issued at this time - \$400,582.00. (751347/468-83674/485-238).
- w) Constructing Storm Water Sewer #598 to serve Tyler's Landing 2nd Addition (south of 37th Street North, east of Tyler). Total Cost - \$178,384.95 (plus idle fund interest - \$804.55 plus temporary note interest - \$1,297.50). Financing to be issued at this time - \$180,487.00. (751356/468-83728/485-247).
- x) Constructing Storm Water Sewer #603 to serve Brighton Courts Addition (south of 21st Street North, west of Webb). Total Cost - \$38,928.19 (plus idle fund interest - \$133.53 plus temporary note interest - \$500.28). Financing to be issued at this time - \$39,562.00. (751352/468-83749/485-243).
- y) Improving Water Distribution System to serve Booher 2nd Addition (south of 55th Street South, west of Seneca). Total Cost - \$23,695.21 (plus idle fund interest - \$120.29 plus temporary note interest - \$172.50). Financing to be issued at this time - \$23,988.00. (735188/448-89459/470-858).
- z) Constructing Water Distribution System to serve Killenwood Pointe Addition (south of 13th, east of Greenwich). Total Cost - \$16,256.03 (plus idle fund interest - \$85.97, plus temporary note interest - \$120.00). Financing to be issued at this time - \$16,462.00. (735200/448-89496/470-870).
- aa) Constructing Water Distribution System to serve Hawthorne Addition (north of 21st Street North, east of 127th Street East). Total Cost - \$21,026.38 (plus idle fund interest - \$88.50, plus temporary note interest - \$318.12). Financing to be issued at this time - \$21,433.00. (735155/448-89737/470-825).
- bb) Constructing Water Distribution System to serve Ridge Port North 5th Addition (south of 37th Street North, east of Ridge). Total Cost - \$92,992.17 (plus idle fund interest - \$246.21, plus temporary note interest - \$991.62). Financing to be issued at this time - \$94,230.00. (735178/448-89741/470-848).
- cc) Constructing Water Distribution system to serve Southern Ridge Addition (south of Pawnee, west of Maize). Total Cost - \$20,405.12 (plus idle fund interest - \$137.88, plus temporary note interest - \$150.00). Financing to be issued at this time - \$20,693.00. (735182/448-89766/470-852).
- dd) Constructing Water Distribution System to serve Sierra Hills Addition (north of Pawnee, east of 127th Street East). Total Cost - \$40,990.83 (plus idle fund interest - \$305.53, plus temporary note interest - \$734.64). Financing to be issued at this time - \$42,031.00. (735116/448-89781/470-786).
- ee) Constructing Water Distribution System to serve Sierra Hills Addition (north of Pawnee, east of 127th Street East). Total Cost - \$115,481.24 (plus idle fund interest - \$494.57 plus temporary note interest - \$2,191.19). Financing to be issued at this time - \$118,167.00 (735117/448-89782/470-787).
- ff) Constructing Water Distribution System to serve Shadow Woods Addition (north of Maple, west of 135th Street West). Total Cost - \$45,452.73 (plus idle fund interest - \$200.27, plus temporary note interest - \$330.00). Financing to be issued at this time - \$45,983.00. (735207/448-89817/470-877).

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gg) Constructing Water Distribution System to serve Highland Springs 3rd Addition (west of 135th Street West, south of Central). Total Cost - \$44,975.83 (plus idle fund interest - \$218.26, plus temporary note interest - \$452.91). Financing to be issued at this time - \$45,647.00. (735179/448-89827/470-849).

hh) Constructing Water Distribution System to serve Fox Ridge Addition (north of 29th Street North, west of Tyler). Total Cost - \$15,531.08 (plus idle fund interest - \$116.42, plus temporary note interest - \$112.50). Financing to be issued at this time - \$15,760.00. (735185/448-89837/470-855).

ii) Constructing Water Distribution to serve Regency Park Addition (north of 21st, west of Greenwich Road). Total Cost - \$24,150.95 (plus idle fund interest - \$110.55, plus temporary note interest - \$172.50). Financing to be issued at this time - \$24,434.00. (735206/448-89847/470-876).

jj) Constructing Water Distribution System to serve Harvest Ridge Addition (south of 31st Street South, west of Maize). Total Cost - \$89,595.44 (plus idle fund interest - \$281.44, plus temporary note interest - \$969.12). Financing to be issued at this time - \$90,846.00. (735161/448-89849/470-831).

kk) Constructing Water Distribution System to serve Brighton Courts Addition (south of 21st Street North, west of Webb). Total Cost - \$45,648.55 (plus idle fund interest - \$210.81, plus temporary note interest - \$608.64). Financing to be issued at this time - \$46,468.00. (735151/448-89856/470-821).

ll) Constructing Water Distribution System to serve Hawthorne and Hawthorne 2nd Additions (north of 21st Street North, east of 127th Street East). Total Cost - \$83,413.54 (plus idle fund interest - \$357.91, plus temporary note interest - \$1,079.55). Financing to be issued at this time - \$84,851.00. (735154/448-89862/470-824).

mm) Constructing Water Distribution System to serve Avalon Park Addition (north of 37th Street North, east of Tyler). Total Cost - \$47,265.37 (plus idle fund interest - \$107.99, plus temporary note interest - \$623.64). Financing to be issued at this time - \$47,997.00. (735168/448-89866/470-838).

nn) Constructing Water Distribution System to serve Crestview Country Club Estates Overbrook 5th Addition (north of Central, east of 143rd Street East). Total Cost - \$31,000.00 (plus idle fund interest - \$119.27, plus temporary note interest - \$323.73). Financing to be issued at this time - \$31,443.00. (735177/448-89882/470-847).

oo) Constructing Water Distribution System to serve Rivendale Addition (north of 55th Street South, west of Hydraulic) Total Cost - \$76,307.57 (plus idle fund interest - \$390.47, plus temporary note interest - \$744.96). Financing to be issued at this time - \$77,443.00. (735160/448-89887/470-830).

pp) Constructing Water Distribution System to serve English Country Gardens Addition (east of Tyler, north of 13th Street North). Total Cost - \$82,233.73 (plus idle fund interest - \$313.65, plus temporary note interest - \$916.62). Financing to be issued at this time - \$83,464.00. (735171/448-89912/470-841).

qq) Constructing Water Distribution System to serve Avalon Park Addition (37th Street North from Tyler to Ridge Road). Total Cost - \$451,201.48 (plus idle fund interest - \$2,226.52, plus temporary note interest - \$3,270.00). Financing to be issued at this time - \$456,698.00. (735176/448-89914/470-846).

rr) Constructing Water Distribution System to serve Hinkle's Addition (south of 29th Street North, east of Woodlawn). Total Cost - \$24,171.70 (plus idle fund interest - \$143.05, plus temporary note interest - \$176.25). Financing to be issued at this time - \$24,491.00. (735190/448-89932/470-860).

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Amended Statement of Cost:

a) Improving Water Distribution System to serve Steve Kelley 5th Addition (south of 13th Street North, west of Hoover). Total Cost - \$42,342.53 (plus idle fund interest - \$221.97, plus temporary note interest - \$367.50). Financing to be issued at this time - \$42,932.00. (735192/448-89945/470-862).

Motion--carried Mayans moved that the Statements of Cost be received and filed. Motion carried 7 to 0.

ANGEL FIRE

PAVING, SANITARY SEWER AND WATER DISTRIBUTION SYSTEM TO SERVE ANGEL FIRE ADDITION – NORTH OF 47TH STREET SOUTH, EAST OF WEST STREET. (DISTRICT IV)

Agenda Report No. 05-0001

On April 24, 2001, the City Council approved Petitions for paving, sanitary sewer and water distribution systems in Angel Fire Addition. The developer has submitted new Petitions to reflect changes to the marketing of lots within the addition. The signature on the new Petitions represent 100% of the improvement districts.

These projects will serve a new residential development located North of 47th St. South, East of West Street.

The Petitions total \$707,217. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried Mayans moved that the Petitions be approved and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-001

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89550 (north of 47th Street South, east of West Street), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

RESOLUTION NO. 05-002

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution system Number 448-90024 (north of 47th Street South, east of West Street), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

RESOLUTION NO. 05-003

Resolution of findings of advisability and Resolution authorizing construction of Lateral 466, Southwest Interceptor Sewer, 468-83221 (north of 47th Street South, east of West Street), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

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RESOLUTION NO. 05-004

Resolution of findings of advisability and Resolution authorizing construction of Lateral 505, Southwest Interceptor Sewer, 468-83932, (north of 47th Street South, east of West Street), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

RESOLUTION NO. 05-005

Resolution of findings of advisability and Resolution authorizing improving Angel, from the east line of Lot 39, Block C, east to the west line of 45th Street South, on 45th Street South from the east line of Angel East to the east line of Lot 11, Block B, and on Kessler, from the south line of the Plat, north to the north line of Lot 42, Block C. Angel Ct. from the south line of Angel, south to and including the cul-de-sac, and on Kessler Ct from the east line of Kessler, east to and including the cul-de-sac. That sidewalk be constructed on one side of Angel, 45th Street South and Kessler, 472-83356, (north of 47th Street South, east of West Street), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

RESOLUTION NO. 05-006

Resolution of findings of advisability and Resolution authorizing constructed pavement on 45th Street South from the east line of Lot 11, Block B, east to the east line of Leonine, and on Leonine from the north line of 45th Street South, south to the north line of Lot 18, Block C. 45th Street South Ct. from the south line of 45th Street South, south to and including the cul-de-sac. That sidewalk be constructed on one side of 45th Street South and Leonine, 472-84126, (north of 47th Street South, east of West Street), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

REED'S COVE

PETITION FOR STREET PAVING, SANITARY SEWER, DRAINAGE AND WATER DISTRIBUTION SYSTEMS TO SERVE REED'S COVE ADDITION – EAST OF 127TH STREET EAST, SOUTH OF 21ST STREET. (DISTRICT II)

Agenda Report No. 05-0002

On July 15, 2003 and September 16 2003, the City Council approved Petitions for street paving, drainage improvements, sanitary sewer and water distribution systems in Reed's Cove Addition. The developer has submitted new Petitions to reallocate special assessments to equalize total assessments within the development. The signature on the petitions represents 100% of the improvement districts.

The projects will serve a new residential development located east of 127th Street East, South of 21st.

The project budgets are unchanged.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petitions be approved and the Resolutions be adopted. Motion carried 7 to 0.

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RESOLUTION NO. 05-007

Resolution of findings of advisability and Resolution authorizing construction of Laterao 3, Main 14, Four Mile Creek Sewer, 468-83568, (south of 21st Street, east of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-008

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 594, 468-83712, (south of 21st Street, east of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-009

Resolution of findings of advisability and Resolution authorizing construction of Lateral 5, Main 14, Four Mile Creek Sewer, 468-83896, (south of 21st Street, east of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-010

Resolution of findings of advisability and Resolution authorizing improving Reed's Cove Court; Bridlewood from the west line of Lot 11, Block 3 to the west line of Glenwood; Bridlewood Court; Glenwood Circle from the south line of Lot 6, Block 2, to and including the cul-de-sac, 472-83771, (south of 21st Street, east of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-011

Resolution of findings of advisability and Resolution authorizing improving Glenwood Court serving Lots 24 through 33, Block 1 from the west line of Glenwood to and including the cul-de-sac; Reed's Cove from the east line of Reed's Cove Court to the west line of Glenwood; constructing sidewalk on both sides of Reed's cove from the east line of Red's Cove Court to the west line of Glenwood, 472-83857, (south of 21st Street, east of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

FAIRMONT THIRD

PETITION TO CONSTRUCT STORM WATER DRAIN IN THE FAIRMONT THIRD ADDITION – WEST OF 127TH STREET EAST, NORTH OF 21ST STREET. (DISTRICT II)

Agenda Report No. 05-0003

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will provide drainage improvements within residential development located West of 127th St. East, North of 21st.

The Petition totals \$228,000. The funding source is special assessments.

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State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-012

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drasin 248, The Fairmont Third, 468-83936, (west of 127th Street East, north of 21st Street), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

HIGHLAND SPRINGS PETITION TO CONSTRUCT A STORM WATER DRAIN TO SERVE HIGHLAND SPRINGS THIRD ADDITION – WEST OF 135TH STREET WEST, SOUTH OF CENTRAL. (DISTRICT V)

Agenda Report No. 05-0004

On May 20, 2003, the City Council approved a Petition to construct a storm water drain to serve Highland Springs 3rd Addition. The developer has submitted a new Petition to reallocate special assessments within the Addition. The signature on the new Petition represents 100% of the improvement district.

The project will serve a new residential development located west of 135th St. West, south of Central.

The project budget is unchanged.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-013

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 205, 468-83637, (west of 135th Street West, south of Central), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

UTILITY SERV. LINES PETITION TO CONSTRUCT A BOARDWALK AND UTILITY SERVICE LINES ON MEAD, BETWEEN DOUGLAS AND FIRST STREET. (DISTRICT VI)

Agenda Report No. 05-0005

On July 11, 2000, the City Council approved a Petition to construct a boardwalk and utility service lines on Mead, between Douglas and 1st Street. A new Petition has been submitted to change the method of assessment from the square foot to the fractional basis. The signature on the new Petition represents 100% of the improvement district.

The purpose of the new Petition is to reallocate special assessments within the improvement district to reflect the benefits received by each property.

The existing Petition totals \$53,300. The new Petition totals \$53,156.24, which is the actual cost of the project. The funding source is special assessments.

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State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion—carried

Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-014

Resolution of findings of advisability and resolution authorizing constructing a pedestrian walkway adjacent to pavement improvements on mead street from Douglas to First and Water and sanitary sewer service lines to serve East Wichita Addition (on Mead, between Douglas and 1st Street) 472-83250, , in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

RIDGE PORT

PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE PART OF RIDGE PORT FOURTH AND FIFTH ADDITIONS – NORTH OF 29TH STREET NORTH, EAST OF RIDGE. (DISTRICT V)

Agenda Report No. 05-0006

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will provide sanitary sewer service to a new residential development located north of 29th St. North, east of Ridge.

The Petition totals \$23,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-015

Resolution of findings of advisability and Resolution authorizing construction of Lateral 18, Main 19 Southwest Interceptor Sewer Ridge Port 4th and 5th Additions, 468-83922, (north of 29th Street North, east of Ridge), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

SANITARY SEWER

PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE AN UNPLATTED TRACT LOCATED WEST OF HOOVER, NORTH OF 8TH STREET. (DISTRICT VI)

Agenda Report No. 05-0007

The Petition has been signed by two owners, representing 100% of the improvement district.

The project will provide sanitary sewer service to a home located west of Hoover, north of 8th Street.

The Petition totals \$7,500. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

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RESOLUTION NO. 05-016

Resolution of findings of advisability and Resolution authorizing construction of Lateral 273, Main 5, Sanitary Sewer #22, Unplatted Tract, 468-83939 (west of Hoover, north of 8th), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

STREET CLOSURE MCLEAN BOULEVARD AT ATHENIAN. (DISTRICTS IV AND VI)

Agenda Report No. 05-0008

On September 28, 2004, the City Council approved a contract with Wildcat Construction Company, Inc. to install a large storm drainage system in west Wichita, which will begin at the Arkansas River near the intersection of Athenian, proceed south on Athenian to First Street and then west toward West St. The installation of a 5' x 10' concrete box structure will require a large excavation area and it will not be possible to efficiently and safely maintain traffic on McLean while the drainage structure is being installed. A 10-day closure of McLean at Athenian is needed to minimize construction and related traffic safety concerns, and ensure the quality of the installation. The requested street closure is tentatively scheduled to begin approximately 9:00 am Friday, January 7, 2005 and be completed on or before 6:30 am Monday, January 17, 2005. If the weather conditions at that time are not conducive to completing the necessary work, a delay in the start date will occur.

Wildcat Construction Company, Inc. is responsible for the placement of the required construction signs and barricades and the notification of area businesses and residents. During the street closure, traffic on McLean Blvd. will be detoured as follows:

Westbound Central and McLean traffic will be detoured south from Seneca and McLean to Second, west to Meridian, and then north to the Central – Meridian – McLean intersection. Eastbound Central and southbound McLean will be detoured south from the Central – Meridian - McLean intersection to Second, east to Seneca and then north.

Motion--carried Mayans moved that the street closure be approved. Motion carried 7 to 0.

STREET CLOSURE 55TH STREET SOUTH, BETWEEN WATER AND GOLD STREETS. (DISTRICT IV)

Agenda Report No. 05-0009

On June 8, 2004, the City Council approved a contract with Mies Construction Company to install a Sanitary Sewer to serve My House Addition in south Wichita. The extreme depth of the connection to a sewer main in 55th Street South will require a large excavation area and it will not be possible to efficiently and safely maintain traffic on 55th Street while the connection is being made. A weekend closure is needed to minimize construction and related traffic safety concerns, and ensure the quality of the installation. The requested street closure is tentatively scheduled to begin approximately midnight Friday, January 7, 2005 to midnight Sunday, January 9th. If the weather conditions at that time are not conducive to completing the necessary work, a delay in the start date will occur.

Mies Construction is responsible for the placement of the required construction signs and barricades and the notification of area businesses and residents. During the street closure 55th St. traffic will be detoured as follows:

Westbound 55th St. Traffic will be detoured south from Broadway and 55th to 63rd St., west to Seneca and then north to the Seneca and 55th St. Intersection. Eastbound 55th St. Traffic will be detoured south from Seneca and 55th to 63rd St., east to Broadway and then north to the Broadway and 55th St. intersection.

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Motion--carried

Mayans moved that the street closure be approved. Motion carried 7 to 0.

TECH. TRAINING

PROVIDING LOCAL TECHNOLOGY TRAINING AND COMPUTER-BASED TRAINING, SELECTION OF VENDORS.

Agenda Report No. 05-0010

IT/IS contracts with technology training vendors to provide local and computer-based technology training. This training is necessary to maintain the efficiency of the City of Wichita computing environment by keeping staff current with technology.

A competitive Request for Proposal (FP400110) was issued for "Providing Local Technology Training and Computer-based Training" and 3 responses were received. A staff screening and selection committee reviewed and evaluated the proposals based on the criteria set forth in the Request for Proposal. During the evaluation, the committee determined that each company had unique offerings and advantages, all of which would enhance the IT/IS training program. Therefore the committee determined that New Horizons should be contracted for desktop and entry-level training, ExecuTrain should be contracted for advance technical training, and Thomson NETg should be contracted for self-paced computer training on CD-ROM. The new contracts will be for one year with options to renew under the same terms and conditions for two (2) additional one (1) year periods by mutual agreement of both parties.

Technology training costs are within departmental operating budgets, and the annual total is expected not to exceed \$89,000.

The Law Department will review and approve the contracts as to form.

Motion--
--carried

Mayans moved that the contracts to New Horizons, ExecuTrain, and Thomson NETg be approved and the necessary signatures authorized. Motion carried 7 to 0.

REGENCY PARK

AGREEMENT TO RESPREAD ASSESSMENTS: REGENCY PARK ADDITION – WEST OF GREENWICH, SOUTH OF 29TH STREET NORTH. (DISTRICT II)

Agenda Report No. 05-0011

The landowners, Regency Park of Wichita, LLC and Greenwich Business Park Association, have submitted an Agreement to respread special assessments within the Addition.

The land was originally included in several improvement districts for a number of public improvement projects. The purpose of the Agreement is to eliminate special assessments on two parcels.

There is no cost to the City.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

WOODLAND LAKES

AGREEMENT TO RESPREAD ASSESSMENTS: WOODLAND LAKES ESTATES 4TH ADDITION – SOUTH OF LINCOLN, WEST OF 127TH STREET EAST. (DISTRICT II)

Agenda Report No. 05-0012

The landowner, International Trading, Inc., has submitted an Agreement to respread special assessments within Woodland Lakes Estates 4th Addition.

The land was originally included in an improvement district for a public sanitary sewer improvement project. The purpose of the Agreement is to respread special assessments on a fractional basis for each

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lot, therefore, distributing the cost of the improvements more fairly. Without the Agreement, the assessments will remain spread on a square foot basis.

There is no cost to the City.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

SHOAL CREEK 3RD

AGREEMENT TO RESPREAD ASSESSMENTS: SHOAL CREEK 3RD ADDITION – WEST OF 143RD STREET EAST AND SOUTH OF CENTRAL. (DISTRICT II)

Agenda Report No. 05-0013

The landowner, Scott Land, L.L.C., platted Shoal Creek 3rd Addition and has submitted an Agreement to respread special assessments within the Addition.

The land was originally included in a number of improvement districts for several public improvement projects. The purpose of the Agreements is to respread special assessments on a fractional basis for each lot. Without the Agreements, the assessments will be spread on a square foot basis.

There is no cost to the City.

Motion--
--carried

Mayans moved that the Agreements be approved and the necessary signatures authorized. Motion carried 7 to 0.

MURDOCK STREET BRIDGE

SUPPLEMENTAL FOR MURDOCK STREET BRIDGE OVER THE LITTLE ARKANSAS RIVER. (DISTRICT VI)

Agenda Report No. 05-0014

On December 2, 2003, the City entered into an Agreement with Professional Engineering Consultants, P.A. (PEC) for designing improvements to the Murdock Street Bridge over the Little Arkansas River that includes rehabilitation of the abutments, piers, sidewalk, railing, and bridge deck. The fee was \$17,988. On April 13, 2004, the City Council approved Supplemental Agreement No. 1, for construction engineering services. The fee was \$95,000.

On November 1, 2004, a 36" waterline broke near the east end of the bridge. The proposed Supplemental Agreement between the City and PEC provides for additional design services to design a replacement waterline and construction engineering services to assess possible bridge damage caused by the waterline break.

Payment to PEC will be on a lump sum fee not to exceed \$32,200, and will be paid by Operating Revenue and General Obligation Bonds.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

FOUR MILE CREEK

SUPPLEMENTAL FOR FOUR MILE CREEK NORTH PUMP STATION. (DISTRICT II)

Agenda Report No. 05-0015

On October 22, 2002, the City entered into an Agreement with Ruggles & Bohm, P.A. (R&B) for designing a sanitary sewer lift station, gravity sewer lines to the lift station, and a force main from the lift station to the Four Mile Creek Sanitary Sewage Treatment Plant, to address capacity issues for the area to the north of Crestview Country Club. The fee was \$137,198. On May 18, 2004, the City Council approved Supplemental Agreement No. 1, for additional design services to design a sanitary

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sewer across the Crestview Country Club property. This alignment was required due to unsuccessful attempts to obtain an easement for construction of a new lift station on the north side of 13th Street, between 127th Street East and 143rd Street East. The fee for the development of the plans was \$93,798.

R&B has been asked for a study of alternate routes for the area north of the Crestview sewer project, more specifically to study the developing areas north of Crestview Country Club, up to and including the area as far north as 29th Street North, to allow appropriate sizing and grading of the interceptor sewer through Crestview, and to study appropriate alignments for future sewer main extensions, that will be required to serve the additional areas. The proposed Supplemental Agreement provides for the additional services.

Payment to R&B will be on a lump sum basis of \$5,000, and will be paid by Revenue Bonds.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

HIDDEN GLEN ADD. CHANGE ORDER: SANITARY SEWER TO SERVE HIDDEN GLEN ADDITION – NORTH OF 47TH STREET SOUTH, WEST OF HYDRAULIC. (DISTRICT III)

Agenda Report No. 05-0017

On July 13, 2004, the City Council approved a construction contract with Nowak Construction Company to build a sanitary sewer in Hidden Glen Addition. The new sewer pipe connects to a concrete encased 8" line under Hydraulic. The stubb line has been found to be defective and in need of replacement.

A Change Order has been prepared for the cost to construct the 8" line under Hydraulic. Funding is available within the project budget.

The cost of the additional work is \$35,000 with the total paid by a combination of special assessments (\$16,500), Sanitary Sewer Utility (\$10,000) and City-at-Large (\$8,500). The original contract is \$186,049. This Change Order Orders represent 18.8% of the original contract amount.

The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion--
--carried

Mayans moved that the Change Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

EXPENSE REPORT EXPENSE FOR SENIOR MANAGEMENT FOR MONTH OF NOVEMBER, 2004.

Motion--carried

Mayans moved that the report be received and filed. Motion carried 7 to 0.

BUDGET TRANSFER WIRELESS HOT SPOTS.

Agenda Report No. 05-0019

City of Wichita departments are becoming more and more dependant on information systems to do their work. However, currently there is no way for them to access those systems from the field with mobile computing platforms such as laptops or personal data assistants (PDAs). It has long been a stated objective of the City to develop wireless network and mobile/portable computing capabilities.

For departments, the business value and operational benefits of wireless technology are intuitive and enormous. For example, City inspectors could remain in the field doing inspections instead of driving back to City Hall to enter inspection results into the system. Repair and maintenance personnel could

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receive work orders in the field and deal with issues as they arise. Police and Fire could access information while responding to emergencies.

To begin the conversion to wireless, IT/IS included money in the budget for a feasibility study and a pilot project of six wireless "hot spots". The proposed sites are the four Police substations, the Central Maintenance Facility and the City Hall parking garage.

The IT/IS budget includes a total of \$185,000 for the feasibility study and creation of wireless "hot spots". Transferring those funds to a project account will preserve the City's ability to use the wireless funds in 2005.

Transfers over \$10,000 require City Council approval.

Motion--carried Mayans moved that the budget transfer be approved. Motion carried 7 to 0.

BUDGET TRANSFER NETWORK INTRUSION DETECTION SYSTEM.

Agenda Report No. 05-0020

An intrusion detection system (IDS) is a network device that will work in conjunction with the City's existing firewall technology to add an additional layer of security to the network.

The added layer of security allows network administrators to monitor the City's network for the types of connection activity and suspect data patterns used by hackers. The IDS will continuously protect the network. When suspect activity is detected, the IDS will block the hackers' attempt by shutting down the offending network connection and will immediately notify network administrators of the attack.

The hardware, software and training costs to implement this technology are \$32,000. The funding is included in the 2004 budget. In order to preserve the money that has already been allocated, it is necessary to transfer the funds into a project account. It is anticipated that the project will be completed in the first quarter of 2005.

Transfers over \$10,000 require City Council approval.

Motion--carried Mayans moved that the budget transfer be approved. Motion carried 7 to 0.

GRANT U.S. DEPARTMENT OF JUSTICE GRANT.

Agenda Report No. 05-0021

The City of Wichita has been notified that it will be awarded a Congressional earmark from the U.S. Department of Justice as a part of the Consolidated Appropriations Act of FY 2005. The grant award is designated for law enforcement costs related to the Police Department's ongoing cold case investigation. The Office of Justice Programs, Bureau of Justice Assistance, will be responsible for grant administration and monitoring.

The Congressional earmark funding will be used to cover costs associated with the ongoing investigation that are not included in the Police Department's general fund budget. The associated costs will include, but not be limited to, paying for overtime, fringe benefits associated with overtime, investigative travel, law enforcement equipment, commodities and other items. In addition, a portion of the grant will be used to pay for outside services for agencies participating in the investigation. These costs will be paid on a reimbursement basis.

The FY 2005 Congressional earmark grant amount is \$986,643. No local match is required.

City Council approval is required for grant awards in excess of \$10,000. The required Memorandum of Agreement will be approved as to form by the Law Department.

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Motion--
--carried

Mayans moved that the submission of the grant application be authorized; acceptance of the grant award approved and the necessary signatures authorized. Motion carried 7 to 0.

PROJECT SAFE

PROJECT SAFE NEIGHBORHOOD GRANT – WICHITA AREA GUN TASK FORCE MEMORANDUMS OF UNDERSTANDING (MOU’S).

Agenda Report No. 05-0022

The following organizations have agreed to form the Wichita Area Gun Task Force: the Wichita Police Department, the Sedgwick County Sheriff's Office, the Kansas Bureau of Investigation, the U.S. Bureau of Alcohol, Tobacco, Firearms & Explosives, the Sedgwick County District Attorney's Office, and the United States Attorney District of Kansas.

In 2001, the United States Department of Justice placed a priority on reducing gun violence throughout America. In an effort to accomplish this, Project Safe Neighborhood was created. The Project Safe Neighborhood initiative closely coordinates the work of federal, state, and local law enforcement with community and neighborhood organizations; its major goals are decreasing gun crime incidents in communities and increasing the number of gun crime prosecutions. Since its inception in May 2003, the Project Safe Neighborhood program has proven to be an invaluable tool to the City of Wichita and Wichita Police Department. Creation of the Wichita Area Gun Task Force will enhance our efforts to remove dangerous criminals who use firearms to commit their violent crimes from the streets of Wichita.

A 24-month agreement between the Attorney General of Kansas and the five Wichita Area Gun Task Force partners has been prepared to facilitate this partnership. The U.S. Department of Justice, Project Safe Neighborhood (PSN) Program, has awarded a grant for the partial salaries of two additional detectives to be assigned to the Wichita Area Gun Task Force. One of those positions will be a Wichita Police Department detective and one will be a Sedgwick County Sheriff's Office detective.

Based on the MOUs, the Project Safe Neighborhood grant will reimburse the City for the salary of one new City detective position, up to \$50,779 annually (in addition to fully funding several operating costs). Adding one Police Detective will cost a minimum of \$57,450; hence there will be a net General Fund cost of at least \$6,671 annually for two years. These amounts will be absorbed within the 2005 Adopted budget for the Police Department. When this MOU terminates, the additional City position can be absorbed within the Police Department through attrition; there is not a retention requirement in the agreement.

The contract for services will be reviewed and approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the two Wichita Area Gun Task Force-related Memorandums of Understanding be approved; the Mayor authorized to sign and the additional Police Detective position be approved. Motion carried 7 to 0.nb

WEED MOWING & LOT CLEAN UP

NUISANCE ABATEMENT ASSESSMENTS.

Agenda Report No. 05-0023

The Department of Environmental Health supports neighborhood maintenance and improvement through abatement of nuisances under Titles 7 and 8 of the City Code. State law and local ordinances allow the City to clean up or mow private property that is in violation of environmental standards after proper notification of the responsible party. A private contractor performs the work, and Environmental Health bills the cost to the property owner.

State law and city ordinance allow placement of the cleanup and mowing costs as a special property tax assessment if the property owner does not pay. Payment has not been received for the nuisance abatements in question, and Environmental Health is requesting permission for the Department of

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Finance to process the necessary special assessments.

Nuisance abatement and mowing contractors are paid through budgeted appropriations from the City's General Fund. Placement of special assessments provides for reimbursement of these expenditures to the City. Nuisance abatements to be placed on special assessment total \$37,359.93; weed mowing charges total \$52,500.22

These assessments are in accordance with Chapter 7.40.050 and 7.40.060 of the City Code.

Motion--
--carried

Mayans moved that the proposed assessments be approved and the Ordinances placed on first reading. Motion carried 7 to 0.

1. Weed Mowing

ORDINANCE

An Ordinance making a special assessment to pay for the cost of cutting weeds in the City of Wichita, Kansas, introduced and under the rules laid over.

2. Lot Cleanup

ORDINANCE

An Ordinance making a special assessment to pay for the cost of abating certain public health nuisances (lot clean up) under the provision of Section 7.40.050 of the Code of the City of Wichita, Kansas. Be it ordained by the governing body of the City of Wichita, Kansas, introduced and under the rules laid over.

WHEELCHAIR RAMP 2005 ARTERIAL SIDEWALK AND WHEELCHAIR RAMP PROGRAM, PHASE I.

Agenda Report No. 05-0024

The 2004-2013 Capital Improvement Program (CIP) adopted by the City Council includes funding to construct arterial street sidewalks and to install wheelchair ramps at various locations in the City. The wheelchair ramp component of the program is part of an ongoing effort to retrofit the entire City as required by the Americans with Disabilities Act of 1990, and is being presented for approval at this time. The arterial sidewalk locations will be presented at a later date following review by District Advisory Boards.

The wheelchair ramps are being installed on a priority basis with emphasis at schools, institutions, and other high traffic locations.

The 2005 CIP budget is \$450,000 with \$400,000 to fund wheelchair ramps and \$50,000 for arterial street sidewalks. Authority to spend \$400,000 for wheelchair ramps is requested at this time. The funding source is General Obligation Bonds.

Motion--
--carried

Mayans moved that the project be approved and the authorizing Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-017

A Resolution finding it necessary to make certain improvements to construct wheelchair ramps at various locations (Phase 1, 2005 arterial Sidewalk and Wheelchair Ramp Program, Project Number 472-84142, and authorizing the issuance of bonds by the City of Wichita at Large, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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TRANS. SYSTEM

INTELLIGENT TRANSPORTATION SYSTEM.

Agenda Report No. 05-0025

In 1997 the Federal Highway Administration (FHWA) and the Kansas Department of Transportation (KDOT) budgeted funds to be used for an Intelligent Transportation Systems (ITS) Early Deployment Planning Study in the City of Wichita. Intelligent Transportation Systems use advanced computer technology to coordinate traffic signals and message boards to improve traffic flow on major streets and freeways. On March 4, 1997, the City Council approved an agreement with KDOT that authorized the City to hire an engineering consultant firm to be paid by FHWA/KDOT funds. On December 16, 1997, the City Council selected HNTB Corporation to perform the study. In December 1998, HNTB Corporation completed the early deployment study for the Wichita metropolitan area. The study recommended that the City of Wichita evaluate its current traffic signal systems to determine the need for new signal technology and expansion to outlying areas. On January 17, 2002, the City Council approved an agreement with Sedgwick County and the Kansas Department of Transportation to jointly fund a five-year program for the signal study, future design costs and implementation of projects identified by the study. On May 24, 2004, the Staff Screening and Selection Committee selected HNTB Corporation to complete the traffic signal system upgrade study.

The results of the study will be presented to the City Council at a future date for initiation of specific signal system projects.

The budget contained in the 2004 Capital Improvement Program is \$1,495,000. \$525,000 is requested at this time to fund the signal study and associated engineering and administrative costs. The funding sources are: \$105,000 paid by the City, \$105,000 by Sedgwick County and \$315,000 by Federal Grants administered by the KDOT. The funding source for the City share is General Obligation Bonds. The HNTB study fee is \$499,783.68.

Motion--
--carried

Mayans moved that the project, the consultant agreement, the Resolution be approved and the signing of State/Federal agreements as required be authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-020

A Resolution authorizing the issuance of Bonds by the City of Wichita at Large to implement an Intelligent Transportation System (472-84119) presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

STREET MAINT.

PROPOSED 2005 CONTRACTED STREET MAINTENANCE PROGRAMS.

Agenda Report No. 05-0026

Each year, funding is allocated in the City's budget for contracted repairs and resurfacing of City streets. The Contracted Street Maintenance Programs provide maintenance work including concrete repairs, curb and gutter repairs, bridge repairs, crack repairs, and asphalt surface treatments of city streets. The Street Maintenance budget is the primary funding source for this program.

The 2005 Budget, approved by the City Council in August, provides for the following funding levels for contracted street repairs:

Street Maintenance Budget	\$ 4,918,910	
Capital Investment Maintenance Program (General Fund)		762,400
Total Contracted Street Maintenance Program		\$ 5,681,310

The City of Wichita is responsible for maintenance of over 1,660 miles of paved streets, and 100 miles of dirt streets. In addition, the City maintains 281 bridges and 30 pedestrian bridges. The Department of Public Works utilizes a computerized Pavement Management System (PMS) to assess the street

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conditions throughout the City, and prioritize needed repairs. Staff uses this information, along with citizen input and CIP planning documents, to develop the maintenance programs.

The 2005 program will provide repairs to approximately 9.6 miles of arterial streets and 51.6 miles of residential streets. The arterial street work will focus on concrete repairs, crack repairs, and asphalt resurfacing. Residential street work will consist of concrete repairs, crack repairs, and asphalt resurfacing. Two bridges are also scheduled for bridge deck rehabilitation.

Expenditures are balanced so that funds are equally distributed among the six City Council Districts.

The proposed total expenditure for Contracted Street Maintenance Programs is \$5,681,310. Funds have been approved in the 2005 Budget for these programs.

Motion--carried

Mayans moved that the programs be approved. Motion carried 7 to 0.

PLAYGROUND AMEN PLAYGROUND AMENITIES AND EQUIPMENT REHABILITATION. **(DISTRICTS I, III, & IV)**

Agenda Report No. 05-0027

The Park and Recreation Department is in the process of renovating playgrounds and replacing playground equipment across the city of Wichita to enhance this community resource and address safety concerns associated with current configurations. During the past four years, the City has addressed approximately 61 of the 71 playground sites with some minor improvements to complete playground renovations with funding from the City's Capital Improvement Program, grants, and neighborhood donations. The City has appropriated funding in the amount of \$200,000 in the 2004 and 2005 Park and Recreation CIP.

The City's Request for Proposal (RFP) was developed to select a vendor to design and construct various playground improvements at three park sites. A pre-proposal conference was held on October 29, 2004, to allow all interested companies to view each of the playground sites and ask questions.

On November 12, 2004, the City received responses from four firms. The following firms, which submitted proposals were Athco, LLC, Cunningham and Associates, Inc., Fry and Associates, Inc, and Riggs Recreation, Inc. The Staff Screening and Selection Committee interviewed Athco, Inc. and Fry and Associates, Inc. The firm Athco, L.L.C. was selected, based on previous experience with similar projects, management capabilities and quality of their product for the playground design and construction of Orchard Park, Herman Hill Park, and the resurfacing of Lincoln Park from sand surfacing to ADA-compliant rubberized surfacing for improved accessibility and maintenance.

Funding for these projects is provided by the 2004-2005 Capital Improvement Program in the amount of \$100,000 in each year for a total of \$200,000 in General Obligation Bonds.

The Law Department will review and approve the purchase contract as to form.

Motion--
--carried

Mayans moved that the Selection Committee for construction of new playgrounds be approved and the necessary signatures authorized. Motion carried 7 to 0.

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ANTENNA SITE

ASSIGNMENT OF LEASE OF ANTENNA SITE AT HERMAN HILL PARK.

Agenda Report No. 05-0028

In September 2001, the City Council approved a lease with Nordyke Ventures LLC allowing Nordyke to construct a tower to provide wireless service on an approximately 2,500 square foot portion of Herman Hill Park. Nordyke has requested that they be allowed to transfer their rights and obligations under the lease to Pinnacle Towers Acquisition LLC.

The lease agreement provides for assignment upon approval of the City. Upon assignment, Pinnacle will be bound by the same responsibilities and duties as Horizon. The agreement specifies that if Pinnacle should default on the lease, Pinnacles lender will be notified and the lender will take over the lease under the existing terms and conditions.

The City revenues from the lease remain unchanged.

Motion--
--carried

Mayans moved that the Agreement Regarding Lease be approved and the necessary signatures authorized. Motion carried 7 to 0.

AIR QUALITY

ADDENDUM TO AIR QUALITY PROGRAM GRANT CONTRACT.

Agenda Report No. 05-0029

Environmental Health (EH) receives grant funding annually from the U.S. Environmental Protection Agency (EPA) and the Kansas Department of Health and Environment (KDHE) to operate a local air quality program. In the 1970's, the EH recognized that significant numbers of local citizens were experiencing health effects associated with exposure to mold, radon, carbon monoxide, sewer gas, and other indoor air contaminants. In response to this, an Indoor Air Quality program was developed locally to address this need. Recently, the State of Kansas through KDHE established an Indoor Air Quality program. Since this City program is well recognized, KDHE requested that EH staff train KDHE staff to respond to citizen requests that are being received from many areas across the state.

Public health will be better served throughout the state if reputable training is provided to KDHE staff for response to indoor air quality concerns. KDHE staff will receive instructions and will observe and accompany EH staff during actual inspections. Services to the citizens of Wichita and Sedgwick County will not be adversely impacted during the training period.

KDHE will provide \$10,000 in funding to supplement current grant funds for FY 2005 for the training provided by EH. The additional funding will help fill a budget shortfall in the Air Quality Program grants for fiscal year (2005). *KDHE requires EH to provide a 40% match (\$6,667, which can be met by IT charges and soft labor hours already supported by 2005 general funds for the air quality program.*

Motion--
--carried

Mayans moved that the addendum to the grant contract be approved and the necessary signatures and receipt of funds authorized. Motion carried 7 to 0.

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Agenda Report No. 05-0030

On December 6, 2004 the Board of Code Standards (BCSA) held a hearing on the following three (3) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Improvement notices have been issued on these structures, however compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

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<u>Property Address</u>	<u>Council District</u>
a. 1443 South Water	I
b. 1445 South Water	I
c. 640 North Old Manor	I

These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Motion--

Mayans moved that the resolutions to schedule a hearing and place these matters on the agenda for a Hearing before the Governing Body on February 15, 2005 at 9:30 a.m. or as soon thereafter be adopted. Motion carried 7 to 0.

--carried

RESOLUTION NO. 05-035

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lien holders of record and occupants of property legally described as: Lots 67 and 69, on Water Street, Bering's Addition to Wichita, Sedgwick County, Kansas, known as 1443 South Water, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-036

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lien holders of record and occupants of property legally described as: Lots 67 and 69, on Water Street, Bering's Addition to Wichita, Sedgwick County, Kansas, known as 1445 South Water, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-037

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lien holders of record and occupants of property legally described as: Lots 37-38, Block 9, East Highlands Addition to Wichita, Sedgwick County, Kansas, known as 640 North Old Manor, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

FTA

RESOLUTION AUTHORIZING SECTION 5307 GRANT FROM FEDERAL TRANSPORTATION ADMINISTRATION (FTA).

Agenda Report No. 05-0031

The Federal Transportation Administration (FTA) grant application process requires a resolution by the governing body authorizing Staff to file grant applications to receive funds and administer the grant's program. The purpose of this Resolution is to authorize Staff to file for eligible federal funds for the support of the City's transit services for CY 2005 capital purchases and transit operation (pursuant to Section 5307 Urbanized Area Formula Annual Apportionment). The authorized total federal apportionment for FY 2005 is estimated at \$4,200,000. An opportunity will be provided for a public hearing and other public input on December 28, 2004. Section 5307 is an 80% federal, 20% local match program.

The proposed Resolution authorizes funding to support the following:

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- safety and security programs;
- facility improvements and renovations;
- maintenance, including personnel costs, vehicle overhauls, parts and equipment;
- Special Services, including ADA operating expenses, and purchased services;
- planning and training activities, including a new internship program;
- new pass through funding for urbanized area operators (Sedgwick and Butler Co.'s, etc.)
- capital support for the purchase of an AVL/MDT system, as well as replacement buses.

Total grant budget is \$5,217,120; eighty percent federal share is \$4,173,696. The local share will be split between the City of Wichita (\$636,174), KDOT (\$360,000), and other local, non City of Wichita, funds (\$47,250).

Motion--
--carried

Mayans moved that the Resolution be adopted and the necessary signatures authorized.
Motion carried 7 to 0.

RESOLUTION NO. 05-018

A Resolution authorizing the filing of an application with the department of Transportation, United States of America, for a Grant under the Urban Mass Transportation Act of 1964, as amended, to support FY 2005 Section 5307 projects, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

REED'S COVE

CORRECTING RESOLUTION – STORM WATER SEWER FOR REED'S COVE ADDITION – EAST OF 127TH STREET EAST, SOUTH OF 21ST STREET. (DISTRICT II)

Agenda Report No. 05-0032

On July 15, 2003, the City Council approved a petition to construct a Storm Water Sewer in Reed's Cove Addition. It has since been determined that there are errors in the description of the improvement district.

A Resolution has been prepared to correct the error.

There is no impact on the project budget.

State Statutes provide the City Council the authority to modify a drainage improvement district error by resolution.

Motion--carried

Mayans moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-019

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 592, (north of 21st Street, east of 127th Street East) 468-83571, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

SANITARY SEWER

SANITARY SEWER MAIN TO SERVE AN AREA GENERAL BOUNDED BY 29TH STREET NORTH, HOOVER, I-96, AND TYLER. (DISTRICT V)

Agenda Report No. 05-0033

On May 20, 2003, the City Council approved a project to extend a sanitary sewer main to serve an area generally bounded by 29th Street North, Hoover, K-96, and Tyler. Part of the cost was assessed to an improvement district. On September 9, 2003, the City Council modified the improvement district to include additional land that has been annexed. The Resolution that was adopted at that time needs to be

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updated to reflect recent platting activity.

The sewer main will connect to an existing line near 29th Street North and Ridge Road, extend north to 37th Street North, then branch west and east along 37th Street North.

The budget is unchanged.

State Statutes provide the City Council the authority to modify an improvement district by Resolution.

Motion--carried

Mayans moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-021

Resolution of findings of advisability and Resolution authorizing improving of Main 19, Southwest Interceptor Sewer, 468-83186, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ DECEMBER 21, 2004)

a) Franchise Ordinance Agreement with Kin Networks, Inc. d/b/a ALLTEL Communications. (Districts I and VI)

ORDINANCE NO. 46-433

An Ordinance of the City of Wichita, Kansas, granting to Kin Network, Inc., d/b/a Alltel Communications, the right and privilege to construct, operate, and maintain a fiber optic telecommunication system in the City of Wichita; and prescribing the terms of said grant and relating thereto; incorporating Ordinance No. 43-504 as amended, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

b) DR2003-021-Adoption of 21st Street North Corridor Revitalization Plan. (Districts I & VI)

ORDINANCE NO. 46-434

An Ordinance adopting the 21st Street North Corridor Revitalization Plan as an amendment to the Wichita-Sedgwick County Comprehensive Plan, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (DR2003-021)

c) CON2004-37 (associated with ZON2004-57) - zone change from single-family residential to limited commercial and a conditional use for a night club within 200 feet of residential zoning. generally located west of Broadway and north of 47th street south. (District IV)

ORDINANCE NO. 46-435

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (ZON 2004-57)

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UNFINISHED BUSINESS

CHANGE ORDER

ROCK ROAD IMPROVEMENT, BETWEEN 21ST AND 29TH STREETS. (DISTRICT II) (DEFERRED DECEMBER 14, 2004)

Jim Armour

Acting City Engineer reviewed the item.

Agenda Report No. 04-1205 A

On December 14, 2004, the City Council considered a change order for additional work on the Rock Road improvement project, between 21st and 29th. Action was deferred until the January 4th, 2005 meeting in order to receive additional information about the landscaping of medians.

A part of the improvement is the installation of new sidewalk, and restoration of the right of way. Due to the crowded nature of the utility corridor, the amount of 4' wide sidewalk that was removed and replaced with 5' wide sidewalk was more than originally planned. Also, more of the privately maintained irrigation systems and landscaping was disturbed. Top soil was added to support new planting material. A small amount of retaining wall was needed to match existing retaining wall built with a previous project. The amount of thermal crack repair was in excess of the amount expected during the design process. Fescue Sod has been removed from this change order and will be included later, if necessary, in a separate change order

The cost of the additional work is \$44,249.42, with the total paid by a combination of City-at-Large (\$8,850) and Federal Grants administered by the Kansas Department of Transportation (\$35,399.42). The original contract is \$1,455,771. This Change Order plus previous Change Orders represent 8.3% of the original contract amount.

The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Schlapp moved that the Change Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

NEW BUSINESS

805 N. BRACKEN

APPEAL THE DENIAL BY ENGINEERING STAFF FOR A MINOR STREET PRIVILEGE PERMIT FOR THE PROPERTY AT 805 NORTH BRACKEN. (DISTRICT II)

Jim Armour

Acting City Engineer reviewed the item.

Agenda Report No. 05-0034

On July 29, 2003, the City Engineer mailed John Miller a letter informing him that part of the fence recently installed on property at 805 N. Bracken was installed on public property and needs to be moved. On the same day, the City Engineer mailed a letter to Mohammad Shinwari with 21st Century Fence & Landscaping, who had performed the work for Mr. Miller, informing him that the fence needed to be moved off of public property. Soon afterwards Mohammad Shinwari called the City Engineer's office to request a waiver of City Code that would allow the fence to remain on public property. On August 11, 2003, the City Engineer mailed Mr. Shinwari a letter to let him know that his request had been denied because there were no unusual circumstances that would warrant a waiver.

On March 1, 2004, Steve Brave, Attorney for Mr. Shinwari, called the City Engineer's office and asked for a minor street privilege permit that would allow the fence to remain on public property. On March

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5, 2004, the City Engineer mailed Mr. Brave a letter to let him know his request for a minor street privilege permit had been denied on the basis that there were no unusual circumstances that would warrant issuance of a permit. The fence was not moved by October 12, 2004, so the City Engineer mailed Mr. Miller a final notice to move the fence off of public property.

City Code Section 10.04.130 which states; "It is unlawful for any person to obstruct any street, alley, public area, public right-of-way or sidewalk in the City by piling, placing or maintaining thereon any filth or litter or any goods, wares or merchandise or by placing or erecting any buildings or fence thereon or by placing any benches or seats for public use thereon." Public Works believes they are in violation of this section of City Code.

The fence was installed ten feet from the curb. The line between private property and public right-of-way is approximately 14 to 15 feet from the curb in this location. Water Department records indicate that the fence encroachment is approximately one foot from an eight-inch water main, which supplies the area.

Decisions by the City Engineer either granting or refusing to grant a minor street privilege permit may be appealed in writing to the City Council by the party adversely affected.

Stephen Brave

Mr. Brave stated that he is representing the property owner Mr. Miller and the contractor who built the fence. Stated that there are a couple of factors that he would like the Council and the Mayor to consider while hearing this appeal. Stated that they admit they built the fence erroneously and built in on city property, they did that after they investigated with the Homeowners Association and a call was made to the City to try to determine where this property line was. Stated that they did not do a survey, which was what they should have done but relied upon the information they received from the Homeowners Association and city staff. Stated that the city code allows the Council to review the City Engineer's decision and take into account a number of factors in making a determination as to whether or not a waiver should be granted. Stated that when you look at these factors, the hardships that will be inflicted upon the property owner if this fence is moved is substantial and that the total cost would be about \$2,200.00 and take about two weeks of time. Stated that the City will force the homeowner to be in compliance with the code but beyond that there would be no benefit that the City would receive. Stated that the property owner is willing to enter into a hold harmless agreement with the City if a waiver is granted so that the City would not face any liability if the fence is allowed to remain where it is. Stated that this would be the burden of the property owner and they would pay the necessary annual fees if the waiver and the permit is granted by the City Council. Stated that this was an honest mistake and was not something done with the intent of encroaching on city property.

Council Member Gray

Council Member Gray stated that he has had neighbors who have done things similar to this and that they all have had to move it providing those same hardships upon those people. Stated that if the city grants this waiver to his client and his neighbor asked for the same waiver and was denied, they would be showing partiality to one person. Stated that the overall city standard is a 15-foot property line setback from back of curb. Stated that this would be common knowledge to a fence contractor. Stated that he should have insurance to pay for something like this if he put it in the wrong spot.

Council Member Schlapp

Council Member Schlapp stated that her DAB heard this last night and they did not have a quorum to vote on it. Stated that since this is a new development a survey could have been done at no cost to the property owner and that the fence company should have been more diligent regarding this issue. Stated that the fence company is in error and not the City and that her DAB had great concerns about a precedent being set.

Motion--carried

Schlapp moved to deny the appeal. Motion carried 7 to 0.

VISIONEERING

VISIONEERING PRESENTATION.

Harvey Sorenson

Mr. Sorenson stated that since the last time that he met with the Council there has been a lot of hard work done by this community. Stated that they have made numerous presentations to the community and the Steering Committee has adopted the plan. Stated that in this plan are many positive suggestions for the development of our community. Mr. Sorenson is asking that the Council adopt this plan and

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become a vision partner. Stated that Visioneering Wichita cannot affect change and that change needs to be affected by the community and as the political leadership of the City of Wichita, the Council has an opportunity to direct and lead that change in the areas that are affected by the City of Wichita. Asked the Council to read and consider this report and at the appropriate time agree to become a vision partner. Stated that they hope to have 100 vision partners by the end of June and that they will adopt those strategies in the report that they believe are most relevant to their activity, form strategic alliances with other vision partners and achieve our vision.

Mayor Mayans Mayor Mayans thanked Mr. Sorenson on behalf of the City Council and stated that this is a community effort that deals with our future.

Motion--carried Fearey moved to receive the document and to officially become a vision partner. Motion carried 7 to 0.

PLANNING AGENDA

Motion-- Mayor Mayans moved that Planning Items, except Item 25, be approved as presented. Motion carried
--carried 7 to 0.

(Item 25)
DR2004-13

DR2004-13-PROPOSED AMENDMENTS TO THE WICHITA-SEDGWICK COUNTY SUBDIVISION REGULATIONS.

John Schlegel Planning Director reviewed the item.

Agenda Report No. 05-0035

Staff Recommendation: Approve the amendments.
MAPC Recommendation: Approve amendments. (12-1)

The negative votes reflect the concern a Commissioner had regarding the amendment being inconsistent with the Comprehensive Plan.

The "Lot Bundling" provisions (Sec. 7-204(C)) apply in areas identified on the Comprehensive Plan as "2010 Urban Service Area" and "2030 Urban Service Area". Proposed subdivisions in these areas must be designed so they may be readily converted to urban-type building sites without replatting. The developer must plat smaller lots and tie them together by a covenant that creates a "bundle of lots" for an area sufficient for an on-site sewage system. The covenant limits each bundle of lots to one dwelling unit until municipal water and sewer service is available.

Problems have arisen regarding development within these smaller lots, as these plats typically contain contingent street rights-of-way limiting placement of structures. Also, difficulties have occurred in preparing a drainage plan that is compatible with one designed for the ultimate development. To alleviate this situation, the amendment is proposed to allow the Lot Bundling provisions to be optional as opposed to mandatory.

The Subdivision Committee reviewed the proposed amendments on October 28, 2004. Prior to MAPC's review the amendments were reviewed by the City and County Legal Department. The MAPC held a public hearing on December 9, 2004, and voted to recommend approval of the amendments as proposed by staff.

The amendments to the Wichita-Sedgwick County Subdivision Regulations will affect properties both inside the city limits and in the unincorporated area of Sedgwick County. Both the City Council and the Sedgwick County Commission will need to approve the amendments in order for them to be in full effect.

Legal Departments for both the City and the County have reviewed the amendments and approved the form for the respective adopting Ordinance and Resolution.

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Motion--

Fearey moved that the amendments to the Wichita-Sedgwick County Subdivision Regulations as recommended by the Metropolitan Area Planning Commission be approved and the Ordinance placed on first reading. Motion carried 7 to 0.

--carried

ORDINANCE

An Ordinance amending the "Wichita-Sedgwick County Subdivision Regulations, January 28, 1999 edition," as adopted by reference in City of Wichita Code Sec. 28.05.010, introduced and under the rules laid over.

SOUTH HARBOR

SUB2004-18 - PLAT OF SOUTH HARBOR ADDITION, LOCATED NORTH OF 42ND STREET NORTH AND WEST OF SENECA. (DISTRICT VI)

Agenda Report No. 05-0036

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

This site, consisting of 80 lots on 60.57 acres, and is zoned SF-20, Single-family Residential District. This case is on the same agenda to be annexed into Wichita's city limits. Upon annexation, this site will be zoned SF-5, Single Family Residential District.

Petitions, all 100 percent, and a Certificate of Petitions have been submitted for sewer, water, paving and drainage improvements. For those reserves being platted for drainage purposes, a Restrictive Covenant has been submitted allowing the establishment of a homeowners' association to provide for the ownership and maintenance of the reserves. The Covenant also provides four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street. As requested by the City's Fire Department, a Temporary Cul-de-sac Dedication has been provided.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The Certificate of Petitions, Restrictive Covenant and Temporary Cul-de-sac Dedication will be recorded with the Register of Deeds.

Motion--

Mayans moved that the documents and plat be approved; the necessary signatures authorized and the Resolutions adopted. Motion carried 7 to 0.

--carried

RESOLUTION NO. 05-022

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90031 (north of 42nd Street North, west of Seneca), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

RESOLUTION NO. 05-023

Resolution of findings of advisability and Resolution authorizing relocating force main in the Moorings Addition, 468-83945, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

RESOLUTION NO. 05-024

Resolution of findings of advisability and Resolution authorizing construction of Lateral 113, Sanitary Sewer #23, 468-83946 (north of 42nd Street North, west of Seneca), in the City of Wichita, Kansas,

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pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

RESOLUTION NO. 05-025

Resolution of findings of advisability and Resolution authorizing constructing pavement on Captiva and Captiva Courts adjacent to Lots 1 through 55, Block 1 and on Blue Harbor and Blue Harbor Courts adjacent to Lots 61 through 80, Block 1 in South Harbor Addition, 472-84143 (north of 42nd Street North, west of Seneca), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

TYLER'S LANDING

SUB2004-62 - PLAT OF TYLER'S LANDING COMMERCIAL ADDITION, LOCATED ON THE SOUTHEAST CORNER OF 37TH STREET NORTH AND TYLER ROAD. (DISTRICT V)

Agenda Report No. 05-0037

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

This site, consisting of seven lots on 10.07 acres, is located within Wichita's city limits. A zone change (ZON 2003-44) from SF-5, Single-Family Residential District to LC, Limited Commercial District has been approved. The site is subject to the provisions of the Tyler's Landing Commercial Plaza Community Unit Plan (CUP 2003-48; DP-267). A CUP Certificate has been submitted.

Petitions, all 100 percent, and a Certificate of Petitions have been submitted for sewer, paving, left-turn lane and traffic signalization improvements. As requested by City Engineering, an off-site Drainage Easement and an off-site Utility Easement was submitted. In accordance with the CUP approval, a Cross-lot Circulation Agreement was submitted to assure internal vehicular movement between the lots. A Joint Access Easement has also been provided.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

The CUP Certificate, Certificate of Petitions, off-site Drainage Easement, off-site Utility Easement, Cross-lot Circulation Agreement and Restrictive Covenant will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Documents and Plat be approved; the necessary signatures authorized; the Resolutions adopted and the Ordinance placed on first reading. Motion carried 7 to 0.

RESOLUTION NO. 05-026

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90033 (south of 37th Street North, east of Tyler), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-027

Resolution of findings of advisability and Resolution authorizing construction of Lateral 19 Main 19, Southwest Interceptor Sewer, 468-83942 (south of 37th Street North, east of Tyler), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of

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Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. (ZON2003-44)

HAAG INDUST. PARK SUB2004-63 - PLAT OF HAAG INDUSTRIAL PARK SECOND ADDITION, LOCATED SOUTH OF 31ST STREET SOUTH AND ON THE WEST SIDE OF RIDGE ROAD. (DISTRICT IV)

Agenda Report No. 05-0038

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (13-0)

This site, consisting of two lots on 54.62 acres, is a replat of Haag Industrial Park Addition and is zoned LI, Limited Industrial District. The site is subject to a Protective Overlay (P-O #85) addressing permitted uses. A Protective Overlay Certificate was submitted identifying the approved Protective Overlay and the conditions for development on this property.

Petitions, all 100 percent, and a Certificate of Petitions have been submitted for sewer, water, and left and right-turn lane improvements. At the request of City Engineering, an Off-site Drainage Easement has been submitted. A Restrictive Covenant was submitted allowing the establishment of a lot owners' association to provide for the ownership and maintenance of the reserves. This site is within the noise impact area of Wichita Mid-Continent Airport; therefore, an Avigational Easement and Restrictive Covenant were submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The Protective Overlay Certificate, Certificate of Petitions, Off-site Drainage Easement, Avigational Easement and Restrictive Covenants will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved; the necessary signatures authorized and the Resolutions adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-028

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90017, (south of K-42 Highway, west of Ridge) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-029

Resolution of findings of advisability and Resolution authorizing construction of Lateral 483, Southwest Interceptor Sewer, 468-83424 (south of K-42 Highway, west of Ridge) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-030

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Resolution of findings of advisability and Resolution authorizing constructing a left turn lane and right turn lane on Ridge Road to serve 34th Street South, 472-84108, (south of K-42 Highway, west of Ridge) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

CEDAR LANE ESTS. SUB2004-96 - PLAT OF CEDAR LANE ESTATES ADDITION, LOCATED SOUTH OF 31ST STREET NORTH AND EAST OF 143RD STREET EAST.

Agenda Report No. 05-0039

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

This unplatted site, consisting of three lots on 4.22 acres, is located with three miles of Wichita's city limits and is zoned SF-5, Single-Family Residential District.

Petitions, all 100 percent, and a Certificate of Petitions have been submitted for water and sewer improvements. A guarantee for the extension of sanitary sewer and City water to serve the lots being platted was required; therefore, the applicant submitted an Outside-the-City Water Agreement. For those reserves being platted for drainage purposes, a Restrictive Covenant was submitted to provide for the ownership and maintenance of the reserves.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The Certificate of Petitions, Outside-the-City Water Agreement and Restrictive Covenant will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved; the necessary signatures authorized and the Resolutions adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-031

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90025 (south of 13th Street, east of 143rd Street), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-032

Resolution of findings of advisability and Resolution authorizing construction of Lateral 374, Four Mile Creek Sewer, 468-83933 (south of 13th Street, east of 143rd Street), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

**PRAIRIE POND
PLAZA**

SUB2004-125 - PLAT OF PRAIRIE POND PLAZA ADDITION, LOCATED ON THE NORTHEAST CORNER OF KELLOGG AND 143RD STREET EAST. (DISTRICT II)

Agenda Report No. 05-0040

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (9-0)

This site, consisting of six lots on 16.91 acres, is located within Wichita's city limits. A zone change

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(ZON 2003-74) from SF-5, Single-family Residential District to LC, Limited Commercial District has been approved. This site is subject to the provisions of the Prairie Pond Plaza Community Unit Plan (CUP 2003-65; DP-273). A Community Unit Plan Certificate (CUP) has been submitted.

Petitions, all 100 percent, and a Certificate of Petitions have been submitted for sewer, water, paving and traffic signalization improvements. In accordance with the CUP approval, a Cross-lot Circulation Agreement to assure internal vehicular movement between the lots has also been submitted. A Restrictive Covenant allowing the establishment of a lot owners' association to provide for the ownership and maintenance of the proposed reserves has also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days. Publication of the Ordinance should be withheld until the Plat is recorded with the Register of Deeds.

The CUP Certificate, Certificate of Petitions, Cross-lot Access Agreement and Restrictive Covenant will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved; the necessary signatures authorized; the Resolutions adopted and the Ordinance placed on first reading. Motion carried 7 to 0.

RESOLUTION NO. 05-033

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90032 (north of Kellogg, east of 143rd Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-034

Resolution of findings of advisability and Resolution authorizing construction of Lateral 373, Four Mile Sewer, 468-83940 (north of Kellogg, east of 143rd Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. (ZON2003-74)

NORTH STAR ADD.

SUB2004-126 - PLAT OF NORTH STAR SECOND ADDITION, LOCATED ON THE EAST SIDE OF WEST STREET AND NORTH OF MAPLE. (DISTRICT VI)

Agenda Report No. 05-0041

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (12-0)

This site, consisting of three lots on 1.88 acres, is located within Wichita's city limits. A portion of the site has been approved for a zone change (ZON 2003-45) from SF-5, Single-family Residential District and B, Multi-family Residential District to LC, Limited Commercial District.

Municipal services are available to serve the site. A Restrictive Covenant was submitted to guarantee the closure of the south opening upon redevelopment of the site. An Access Easement for the benefit of lot three has also been submitted.

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This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days. Publication of the Ordinance should be withheld until the Plat is recorded with the Register of Deeds.

The Restrictive Covenant and Access Easement will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved; the necessary signatures authorized and the Ordinance placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. (ZON2003-45)

DED2004-31

DED2004-31 AND 32 DEDICATION OF UTILITY EASEMENTS FOR PROPERTY LOCATED SOUTH OF KELLOGG AND EAST OF RIDGE ROAD. (DISTRICT IV)

Agenda Report No. 05-0042

MAPC Recommendation: Accept the Dedications. (10-3)

The negative votes reflect the concern of those Commissioners regarding the dedication of additional utility easements.

These Dedications are a requirement of Lot Split Case No. SUB 2004-100 and are being submitted for an additional two-feet of utility easements.

The Dedications have been reviewed and approved by the Planning Commission.

The Dedications will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedications be accepted. Motion carried 7 to 0.

CUP2003-15

CUP2003-15, CUP2003-16, ZON2003-16 & ZON2003-18-EXTENSION OF TIME TO COMPLETE THE PLATTING REQUIREMENT FOR DP-264 LOUIS DEVELOPMENT RESIDENTIAL AND COMMERCIAL COMMUNITY UNIT PLAN (CUP) AND A ZONE CHANGE FROM SINGLE-FAMILY TO LIMITED COMMERCIAL. GENERALLY LOCATED NORTH OF 13TH STREET NORTH AND EAST OF 135TH STREET WEST. (DISTRICT V)

Agenda Report No. 05-0043

On June 3, 2003, the City Council approved the creation of DP-264 Louis Development Residential and Commercial CUP and a zone change from "SF-5" Single-Family Residential to "LC" Limited Commercial on approximately 20 acres generally located north of 13th Street North and east of 135th Street West. Approval of the request was subject to the condition of platting the property within one year. A six-month extension of time to complete platting subsequently was granted by staff to allow additional time to prepare the required plat. A plat for the property was approved by the Metropolitan Area Planning Commission (MAPC) on July 29, 2004. The extended platting deadline was December 3, 2004; however, the applicant indicates in a letter from their agent that additional time is needed to address some deed description problems with the owners and the title company. Therefore, the applicant has requested an additional six-month extension of time to complete platting. Such an extension of time to complete platting requires City Council approval.

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Staff recommends that an extension of time to complete platting requirements be granted to June 3, 2005. The City Council may deny the request for an extension of time to complete platting. Denying the extension would declare the CUP and zone change null and void and would require reapplication and rehearing if the property owner still desired a CUP and zone change.

No legal documents are required to enact the granting of the platting extension. The granting of a platting extension is indicated via letter to the applicant noting the extended platting deadline as granted by the City Council.

Motion--
--carried

Mayans moved that the extension of time to complete platting to June 3, 2005 be approved. Motion carried 7 to 0.

VAC2004-22

VAC2004-22 - REQUEST TO VACATE A PORTION OF A PLATTED TEMPORARY DRAINAGE EASEMENT GENERALLY LOCATED SOUTHWEST OF THE 151ST STREET WEST - CENTRAL AVENUE INTERSECTION, MORE SPECIFICALLY LOCATED SOUTHEAST OF THE SHADE STREET - REECE ROAD INTERSECTION. (DISTRICT III SEDGWICK COUNTY – WITHIN THE THREE MILE RING SUB-DIVISION JURISDICTION OF THE CITY OF WICHITA)

Agenda Report No. 05-0044

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (Unanimously)

The applicant is requesting consideration for the vacation of the 35-foot temporary platted drainage as described in the Legal Description. The Martin Estates Addition was recorded with the Register of Deeds October 7, 2003.

The applicant proposes the vacation of the easement to allow more room for development on Lots 12, 13, 14, 17 & 18, Block 2, “Bundle B”, Martin Estates Addition. The applicant has provided an exhibit that shows the location of a proposed replacement easement. As stated in the plat’s text “temporary drainage easements shall expire when an urban scale drainage plan has been approved by the City Engineer and the existing terraces have been removed.” The County Public Works Engineer considers the vacation necessary, because the applicant proposes replacing a portion of the entire easement. The County Engineer has reviewed and approved the drainage plan. The County Engineer has accepted a replacement easement. The City Engineer concurs with the County Engineer’s recommendation. There are no sewer or water lines in the platted temporary drainage easement. The Martin Estates Addition is a “Bundled” Subdivision, which is intended to provide urban size lots in the County when water and sewer are available.

The MAPC voted to approve (11-0) the vacation request for approval. No one spoke in opposition to this request at the MAPC’s advertised public hearing and its Subdivision Committee meeting. No written protests have been filed.

Because this vacation cases is located in Sedgwick County, but within the City of Wichita’s 3 mile-ring subdivision jurisdiction, consideration and approval by the Wichita City Council and consideration and final action by the Sedgwick County Board of County Commissioners is required

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

VAC2004-48

VAC2004-48 - REQUEST TO VACATE A PORTION OF PLATTED ACCESS CONTROL, STREET RIGHT-OF-WAY AND SETBACKS LOCATED AT THE INTERSECTION OF WEBB ROAD AND 43RD CIRCLE NORTH. (DISTRICT II)

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Agenda Report No. 05-0045

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (Unanimously)

The applicants are requesting consideration to vacate what is generally described as a portion of the platted 43rd Circle North ROW, platted access control (all in the Sand Plum Addition) and the platted 20-foot setbacks on Lots 1 – 6, Block 2 and Lots 1 & 2, Block 1, all in the Sand Plum Addition. The Sand Plum Addition was recorded with the Register of Deeds May 26, 2004.

The vacation request is associated with a zone change request (ZON2004-5 was considered and approved by the Wichita City Counsel at their December 15, 2004 meeting) on Lots 1 & 2, Block 1, Sand Plum Addition. The zone change turned the two lots current “LI” Limited Industrial zoning to “SF-5” Single-family Residential zoning, which matches the rest of the Sand Plum Addition’s “SF-5” zoning. That portion of the platted ROW along the two lots (and Lots 1-6, Block 2, Sand Plum Addition) that were zoned “LI” is 70-feet (per the Subdivision Regulations for industrial street ROWs) in contrast to the rest of the plat’s 58-foot street ROW (per the Subdivision Regulations for a local residential street ROW). The vacation will reduce the 70-foot ROW to 58-feet for a local residential street for the length of 43rd Circle North. The vacation of access control along the 43rd Circle North - Webb Road intersection will allow 43rd Circle North to line up with 43rd Street North, which is east of the site across Webb Road. Vacating the platted setbacks will allow the setbacks to move with the vacated portion of the 43rd Circle North ROW, reflecting the new property lines along this frontage. There are no water or sewer lines in the areas proposed for vacation. There is also a lot split case associated with this subdivision that will divide Lots 1 & 2, Block 1, Sand Plum Addition into 5 lots.

The MAPC voted to approve (9-0) the vacation request. No one spoke in opposition to this request at the MAPC’s advertised public hearing and its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order and dedications by separate instruments for street right-of-way and access control and a restrictive covenant establishing 20-foot setbacks will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

A05-01

A05-01- REQUEST BY KANSAS BAIT AND TACKLE TO ANNEX LANDS GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF K-96 AND RIDGE ROAD. (DISTRICT V)

Agenda Report No. 05-0046

The City has received a request to annex 56.8 acres of land generally located southwest of the intersection of Ridge Road and K-96. The annexation area abuts the City of Wichita to the south and west of the property. The property owner proposes to develop the proposed annexation area as commercial.

Land Use and Zoning: The proposed annexation area is currently vacant and zoned “SF-20” Single-Family, annexation will not change the zoning of the property. The properties to the north and east of the proposed annexation are zoned “SF-20” Single-Family and are vacant. The property owner intends to rezone the proposed annexation area as “LC” Limited Commercial and “GO” General Office.

Public Services: As a condition of platting, all lots in the plat will need to be guaranteed water and sewer service. The nearest connection to water and sewer is available from the intersection of 37th North and Ridge Road.

Street System: The subject property fronts on Ridge Road, currently a four lane paved city road with access to K-96. Neither the City of Wichita Capital Improvement Program 2004-2013 draft, Sedgwick

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County Transportation Improvement Program 2004-2008, or the Sedgwick County Capital Improvement Program 2004-2008 call for improvements to Ridge Road.

Public Safety: Fire services to this site can be provided by the City of Wichita within a five (5) to six (6) minute approximate response time from City Station No. 13 located at 3162 W. 42nd. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 N. Elder.

Parks: Sedgwick County Park, a 645-acre park, is located 2.5 miles directly south of the proposed annexation site. A greenway is proposed along the Arkansas River, approximately 2.5 miles to the east of the proposed annexation area, in the 1996 Parks and Open Space Master Plan.

School District: The annexation property is part of the Unified School District 266 (Maize School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2010 Wichita Urban Service Area as shown in the Plan.

The current approximate appraised value of the proposed annexation, according to County records, is \$201,390 with a total assessed value of \$24,167. Using the current City levy (\$31.406/\$1000 x assessed valuation), this roughly yields \$759 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property, and the current mill levy. However, the property owner estimates a developed total value of \$25,978,000 with a total assessed value of \$6,494,500. Using the current City levy (\$31.406/\$1000 x assessed valuation), this roughly yields \$203,966 in future annual City tax revenues for the property.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--
--carried

Mayans moved that the annexation request be approved and the Ordinance placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. (A05-01)

A05-02

A05-02 - HARBOR PROPERTIES, LLC AND SOUTH HARBOR, LLC TO ANNEX PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF AMIDON AND K-96. (DISTRICT VI)

Agenda Report No. 05-0047

The City has received a request to annex 32.75 acres of land generally located northeast of the intersection of Amidon and K-96. The annexation area abuts the City of Wichita to the north, east, south, and west of the property. The property owner proposes to develop the property and adjoining lands to the north and west as 80 single-family residences.

Land Use and Zoning: The proposed annexation consists of 32.75 acres of vacant property zoned "SF-20" Single-Family annexation will not change the zoning of the property. The properties to the north and west of the proposed annexation are zoned "SF-5" Single-Family and are vacant. To the east of the proposed annexation are properties zoned "LC" Limited Commercial and "SF-5" Single Family, and developed as a radio station and vocational school respectively. The property to the south is zoned "GC" General Commercial and is developed as a church recreational facility.

Public Services: The nearest connections to water and sewer service are available north of the proposed

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annexation from Driftwood Street, or south across the south side of I-235.

Street System: The subject property currently has access to public streets, private dirt roads that connect it and the adjoining properties to the north and west to Meridian. After development of the proposed subdivision, the proposed annexation will have access to Meridian via an internal paved street system that will connect it and the properties to the north and west to Meridian. Meridian is currently a paved five lane arterial. Neither the City of Wichita Capital Improvement Program 2004-2013 draft, Sedgwick County Transportation Improvement Program 2004-2008, or the Sedgwick County Capital Improvement Program 2004-2008 call for improvements to Meridian near the proposed annexation.

Public Safety: Fire services to this site can be provided by the City of Wichita within a three (3) to four (4) minute approximate response time from City Station No. 13 located at 3162 W. 42nd. Upon annexation, police protection will be provided to the area by the Patrol North Bureau of the Wichita Police Department, headquartered at 3015 E. 21st Street North.

Parks: Hellers Park, a 21.15-acre park, is located .64 miles directly east of the proposed annexation site. A pathway is proposed along the Little Arkansas River, approximately half a mile to the east of the proposed annexation area, in the 1996 Parks and Open Space Master Plan.

School District: The annexation property is part of the Unified School District 259 (Wichita School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2010 Wichita Urban Service Area as shown in the Plan.

The current approximate appraised value of the proposed annexation, according to County records, is \$2,170 with a total assessed value of \$250. Using the current City levy (\$31.406/\$1000 x assessed valuation), this roughly yields \$8 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property, and the current mill levy. Although the property owner has disclosed an intention to develop the proposed annexation area as residential lots, no final estimates of total value after development are currently available

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--
--carried

Mayans moved that the annexation request be approved and the Ordinance placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. (A05-02)

CITY COUNCIL

APPOINTMENT

BOARD APPOINTMENT.

Council Member Fearey Council Member Fearey requested that Sandra Whittington be appointed to the Grants Review Committee to replace Jaya Escobar who has declared a conflict of interest.

Motion--carried Mayans moved that the appointment be approved. Motion carried 7 to 0.

GENESIS

RECONSIDERATION OF INDUSTRIAL REVENUE BOND PROPERTY TAX ABATEMENT, GENESIS HEALTH CLUBS. (DISTRICTS V & VI)

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Agenda Report No. 05-0048

On July 13, 2004 the City Council approved the issuance of a one-year letter of intent for industrial revenue bonds ("IRBs") for Genesis Health Clubs ("Genesis") in an amount not to exceed \$11,850,000. Bond proceeds are to be used to finance the cost of acquiring, constructing and equipping two new health club facilities in west Wichita, one at 3725 W. 13th and one at the northwest corner of 29th Street North & Maize Road, and to expand its existing health club at 854 N. Socora. Genesis has committed to add 100 new employees to its Wichita workforce within ten years. On December 7, 2004, after reconsideration, the City Council voted to re-approve the IRB letter of intent.

The City Council also granted a 50% five-year tax exemption on bond-financed property, plus a second five-year exemption upon City Council review and approval. However, at the time, staff failed to give proper notice to the public and the Maize School District that it would consider Genesis' request for a property tax exemption. In addition, statutorily required cost-benefit analysis performed by WSU failed to consider the fiscal impact of the project on the Maize School District. The City Council must therefore reconsider its approval of the property tax abatement for Genesis in order for the exemption to be lawfully granted.

K.S.A. 12-1749c states that "prior to the approval of an inducement resolution or letter of intent which includes an agreement for ad valorem tax abatement for property to be financed by issuance of any industrial revenue bonds under K.S.A. 12-1740 through 12-1749a, and amendments thereto, the county or city clerk, as the case requires, shall notify in writing the governing board of the unified school district within which the property proposed for exemption is located."

K.S.A. 12-1749d states that "prior to issuing any revenue bonds pursuant to K.S.A. 12-1740 to 12-1749, inclusive, and amendments thereto, for any business the property of which will be eligible for an exemption from ad valorem taxation pursuant to K.S.A. 79-201a Second, and amendments thereto, the board of county commissioners of any county or the governing body of any city, as the case requires, shall be required to:

- (a) Prepare an analysis of the costs and benefits of each exemption which shall include the effect of the exemption on state revenues; and
- (b) Conduct a public hearing on the granting of such exemption. Notice of the public hearing shall be published at least once seven days prior to the hearing in the official city or county newspaper, as the case requires, and shall indicate the purpose, time and place thereof. In addition to such publication notice, the city or county clerk, as the case requires, shall notify in writing the governing body of any city or county and unified school district within which the property proposed for exemption is located."

The estimated first year's taxes on Genesis' proposed \$11,850,000 expansion would be \$136,356, on real property improvements and \$27,388 on personal property, based on the 2003 mill levy. The tax exemption would be shared among the taxing entities as follows: City - \$45,976; County/State - \$43,687; and USD 259 - \$74,080.

The total tax abatement will be reduced by a \$22,000 per year payment-in-lieu-taxes.

Purchases financed with industrial revenue bonds are generally exempt from state and local sales tax. Use of IRBs would save Genesis an estimated \$460,000 in sales tax, of which \$73,000 would be county sales tax.

The Department of Law has advised that there is no legal impediment to the City Council's reconsideration of its prior action to approve the Genesis letter of intent and property tax abatement.

Council Member Martz Council Member Martz stated that he had asked that this item be put on the agenda today because this issue has not been completed and finalized. Stated that he did not realize at the time that the county was not notified and that Maize School District may not have been advised. Stated that the portion on the tax abatement was never addressed and feels that it is important that the Council finalize the action on this particular issue and that the only way to do this is by bringing it back to the Council through a public hearing.

Motion-- Martz moved that January 11, 2005, be set as the date for a public hearing on the approval of Genesis

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Health Clubs' request for a property tax exemption in connection with the issuance of industrial revenue bonds and the City Clerk be directed to give proper notice of said hearing.

Mayor Mayans

Mayor Mayans inquired whether there was a report from WSU that should be presented today.

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- Allen Bell Director of Economic Development explained that the WSU report will need to be prepared and that the person who does those reports, the Cost Benefit Analyst is on vacation and returns on January 10th and that he believes that they can impose on them to get it turned around that same day and made available for the January 11th Public Hearing.
- Council Member Gray Council Member Gray stated that he has an issue with the way this was brought up this week and the way that it was put on the agenda on the December 7 2004 agenda. Stated that no one from the City notified Genesis to let them know that there would be hearings on this issue. Stated that this is a serious issue that involves a lot of money to a business.
- Council Member Martz Council Member Martz stated that this needs to be finalized with everything done correctly and if an extra week is needed to get the reports out that would be fine with him but would like this procedure to be done properly and completely and that every interested party should be notified of the public hearings and brought into the discussion.
- Allen Bell Economic Development Director explained that it is very unusual to have projects that are located in two school districts and that this is part of the problem and that WSU's model and approach to this does not easily accommodate doing cost benefit analyses for projects that have locations in two different school districts. Stated that part of what led to the chain of errors was the fact that it was a multiple site project, which is something that they are not use to seeing.
- Council Member Gray Council Member Gray stated that there is no urgency to do this right now and could wait like they have done in the past, to wait until they come back to exercise the bonds, which may never happen.
- Council Member Brewer Council Member Brewer requested that Gary Rebenstorf, Director of Law, put together a flowchart to bring this process to complete closure so that there would not be anything else forgotten or added.
- Mayor Mayans Mayor Mayans stated that he would like to see the Council not act on this before May 1, 2005 to allow ample time to get these issues resolved.
- Amended Motion** Martz amended his original motion to change the date of the public hearing from January 11, 2005 to February 1, 2005.
- Amended Motion Failed** Motion failed 3 to 3, (Nays-Brewer, Gray and Mayans) (Schlapp absent).
- Motion-- Mayans moved that the Council defer this item until the bonds are ready to be issued and a public hearing can be held that meets all of the conditions set forth in the state law and that this occur not before May 1, 2005. Motion failed 3 to 3, (Nays-Fearey, Lambke and Martz) (Schlapp absent).
- failed

TRAVEL EXPENSE

APPROVAL OF TRAVEL EXPENSES FOR MAYOR TO DALLAS ON JANUARY 6, 2005 FOR THE AIR SERVICE MEETING.

- Motion--carried Brewer moved that the expenditure be approved. Motion carried 6 to 0, (Schlapp absent).

OFF AGENDA ITEMS

- Mayor Mayans Mayor Mayans requested that an off agenda item be taken up.
- Mayor Mayans Mayor Mayans requested that a workshop be scheduled to have the Chief of Police and his staff discuss the law enforcement efforts and legislative initiatives that are in place to address some of the problems regarding crime and homicides in the City and to give the Council an idea of what the statistics mean and other issues relating to law enforcement, which would be important to the Council and the community.

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Council Member Brewer Council Member Brewer stated that he also has an off agenda item and stated that the Diversity Task Force is scheduled for a workshop hearing to give a presentation to the Council and to give additional recommendations and ideas regarding issues that they felt that the City needed to implement. Stated that he would like to make sure that this also was included on the workshop agenda.

RECESS

Mayans moved that the City Council recess into Executive Session at 10:45 a.m. to consider: Consultation with legal counsel on matters privileged in the attorney-client relationship relating to: legal advice and confidential data relating to the financial affairs or trade secrets of business and that the Council return from Executive Session no earlier than 11:00 a.m. and reconvene in the City Council Chambers of City Hall. Motion carried 6 to 0, (Schlapp absent).

RECONVENE

The Council reconvened in the City Council Chambers at 11:00 a.m. and Mayor Mayans announced that no action was taken.

Motion--carried Mayans moved at 11:00 a.m. to adjourn the Executive Session. Motion carried 7 to 0.

Motion--carried Mayans moved at 11:00 a.m. to adjourn the Regular Meeting. Motion carried 7 to 0.

Adjournment The City Council meeting adjourned at 11:01 a.m.

Karen Sublett
City Clerk